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# 40 State says it won't stop Asarco Mine

The Montana Department of Environmental Quality says it won't try to stop the Asarco mine near Troy from reopening, despite concerns about liability and the barrels of unknown waste material unearthed at the site, state officials said Nov. 12.

Asarco operated the mine from 1981 to 1993. The company sold

the mine to Sterling Silver Co. in 1999. Sterling later changed its name to Genesis/Revett Mining Co. Asarco is currently in the process of assuring the state that it will remain liable for mine operations, even though Genesis/Revett Silver Co. owns the mine. Asarco is the only company legally permitted to operate the mine.

The DEQ held a meeting in Helena at the request of Cabinet Resource Group, a nonprofit environmental organization based in Troy. DEQ officials said the group's concerns are valid but they aren't enough to require the state to revoke the mine's operating permit. "Asarco has the right to start up right now," said DEQ's chief legal

counsel John North. "There is nothing in the rules that says mining can't go forward."

Bill Martin, a member of Cabinet Resource Group who lives near Troy, downstream from the mine, could not be reached for comment before The Montanian went to press on Monday.

DEQ director Jan Sensibaugh said the state, at this time, does not have the authority to pull Asarco's mining permit because the company has not violated the law.

Cabinet Resource Group asked the state to stop the reopening of the mine until the contents of barrels recently unearthed at the tailings pond are identified, and until Asarco has put up a large enough bond to cover any unforeseen water quality problems that could develop at the site.

"If they are allowed to operate before we get to the bottom of this,

it is a cover-up," Cabinet Resource Group board member Cesar Hernandez said at the Helena meeting Friday. Cabinet Resource Group has legal permission to excavate the barrels and test the contents. The group is presently doing that. Group members say any renewed mine activity could compromise their efforts. If the barrels contain toxic substances, the group says the mine's current \$10.1 million reclamation bond might not be enough to cover any potential environmental mess the barrels could cause.

"They plan to submit something to us," North said. "We'll make sure it meets the requirements."

Cabinet Resource Group said those assurances should be in hand before mining begins at the underground site again. The mine has been closed for 11 years.

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